

108TH CONGRESS
2D SESSION

H. R. 4448

To require the President to seek the establishment of an international commission for monitoring the treatment of persons in United States custody in Iraq.

IN THE HOUSE OF REPRESENTATIVES

MAY 20, 2004

Ms. LEE (for herself, Mr. PALLONE, Mr. LEACH, and Mr. CROWLEY) introduced the following bill; which was referred to the Committee on International Relations

A BILL

To require the President to seek the establishment of an international commission for monitoring the treatment of persons in United States custody in Iraq.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “International Commis-
5 sion To Monitor United States-Held Prisoners in Iraq Act
6 of 2004”.

7 **SEC. 2. FINDINGS.**

8 Congress makes the following findings:

1 (1) Serious allegations have been raised and
2 substantial evidence exists that physical and sexual
3 abuse have taken place within Abu Ghraib Prison
4 and potentially other facilities under the manage-
5 ment of the United States Armed Forces or intel-
6 ligence services in Iraq.

7 (2) In the Convention Relative to the Treat-
8 ment of Prisoners of War, signed at Geneva on Au-
9 gust 12, 1949 (referred to as the “Third Geneva
10 Convention”), the international community has pre-
11 scribed rules concerning the treatment of prisoners
12 of war.

13 (3) The United States, along with more than
14 190 other countries, is a party to the Geneva Con-
15 ventions of 1949 and abiding by the terms of those
16 conventions is very much in the national security in-
17 terests of the United States.

18 (4) The Third Geneva Convention prohibits in-
19 humane treatment of prisoners of war, acts of vio-
20 lence and insults against them, and the infliction of
21 physical or mental torture, or any other form of co-
22 ercion, on such prisoners.

23 (5) A report, the “Article 15–6 Investigation of
24 the 800th Military Police Brigade”, prepared by
25 Major General Antonio M. Taguba, Deputy Com-

1 manding General Support, Coalition Forces Land
2 Component Command, which has been made public
3 in the national media, reads in part, “That between
4 October and December 2003, at the Abu Ghraib
5 Confinement Facility (BCCF), numerous incidents
6 of sadistic, blatant, and wanton criminal abuses were
7 inflicted on several detainees.”.

8 (6) This report also describes the “systemic and
9 illegal abuse of detainees”.

10 (7) According to congressional testimony, the
11 International Committee of the Red Cross provided
12 a number of warnings to Coalition forces regarding
13 conditions in certain Iraqi prisons and provided a
14 written report to Coalition headquarters personnel in
15 November 2003 that similar abuses were occurring
16 at the Abu Ghraib facility.

17 (8) The Wall Street Journal has published the
18 February 2004 “Report of the International Com-
19 mittee of the Red Cross (ICRC) on the Treatment
20 by the Coalition Forces of Prisoners of War and
21 other Protected Persons by the Geneva Conventions
22 in Iraq during Arrest, Internment, and Interroga-
23 tion”, detailing complaints of the mistreatment of
24 Iraqi prisoners in United States custody which was
25 sent to United States officials.

1 (9) The International Committee of the Red
2 Cross asserted at a recent press conference that it
3 had repeatedly expressed written and verbal con-
4 cerns regarding the widespread mistreatment of
5 prisoners, including in meetings at the highest level
6 of the Coalition Provisional Authority.

7 (10) The February 2004 report of the Inter-
8 national Committee of the Red Cross detailed viola-
9 tions including “Brutality against protected persons
10 upon capture and initial custody, sometimes causing
11 death or serious injury . . . Physical or psychological
12 coercion during interrogation to secure information
13 . . . [and] Excessive and disproportionate use of
14 force against persons deprived of their liberty result-
15 ing in death or injury during their period of intern-
16 ment.”.

17 (11) The International Committee of the Red
18 Cross also found that “[arresting authorities] rarely
19 informed the arrestee or his family where he was
20 being taken and for how long, resulting in the de
21 facto ‘disappearance’ of the arrestee for weeks or
22 even months until contact was finally made.”.

23 (12) Congress has the utmost confidence that
24 such abuses do not typify the behavior of the vast
25 majority of the tens of thousands of United States

1 Armed Forces personnel and allies in Operation
2 Iraqi Freedom.

3 (13) The evidence of abuse documented by pho-
4 tographic and videographic images released in the
5 media has aroused international outcry, damaged
6 United States relations with other countries, and po-
7 tentially added to the dangers faced by United
8 States military personnel or civilians who may be
9 captured by adversaries.

10 (14) Congress was not fully informed of the ex-
11 istence, seriousness, or investigation of those abuses
12 until after the abuses had been disclosed in the na-
13 tional media.

14 (15) House Concurrent Resolution 118, which
15 was passed by the House of Representatives on
16 March 27, 2003, by a vote of 419–0, resolved that
17 the Congress demanded “that Iraqi authorities com-
18 ply fully and immediately with its obligations and re-
19 sponsibilities of the Convention Relative to the
20 Treatment of Prisoners of War”, condemned “the
21 failure of Iraqi authorities to treat prisoners of war
22 in strict conformity with that Convention”, and
23 joined “the President in warning all Iraqi authorities
24 that any individual who mistreats any prisoner of
25 war in violation of that Convention shall be consid-

1 ered a war criminal and prosecuted as such to the
2 full extent of United States and international law”.

3 (16) Greater oversight and transparency in the
4 management of United States-run prisons in Iraq is
5 clearly needed.

6 (17) The United States must take immediate
7 and concrete steps to build confidence among Iraqis
8 in our actions and motives.

9 (18) It is imperative that the Iraqi people be
10 given a greater role in the operation of the prison
11 system in their country.

12 (19) Greater international cooperation and as-
13 sistance in the management of the Iraqi prisons
14 would provide greater reassurance to the Iraqi peo-
15 ple and the international community that the United
16 States is abiding by the Geneva Conventions of
17 1949.

18 **SEC. 3. ESTABLISHMENT OF INTERNATIONAL COMMISSION**
19 **FOR MONITORING TREATMENT OF PERSONS**
20 **IN UNITED STATES CUSTODY IN IRAQ.**

21 (a) ESTABLISHMENT.—The President shall seek to
22 establish an international commission for monitoring the
23 treatment of persons in United States custody in Iraq.

24 (b) SCOPE OF DUTIES.—It is the sense of Congress
25 that the international commission referred to in subsection

1 (a) should monitor the treatment of persons in United
2 States custody in Iraq so as to ensure compliance with
3 the terms of the Geneva Conventions of 1949 and other
4 relevant international instruments and to provide assur-
5 ances to the people of Iraq and the international commu-
6 nity that the treatment of such persons is in accordance
7 with international law.

8 (c) MEMBERSHIP.—It is the sense of Congress that
9 the international commission referred to in subsection (a)
10 should include representatives from—

11 (1) the interim or transitional government in
12 Iraq;

13 (2) Iraqi civil society;

14 (3) the International Committee of the Red
15 Cross;

16 (4) the International Federation of Red Cross
17 and Red Crescent Societies;

18 (5) the United Nations; and

19 (6) the United States Armed Forces and Coali-
20 tion forces.

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